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Ohio's Record in Uniform Legislation*

Oliver Schroeder, Jr.

THE UNIFORM law movement in the United States has been one of the most significant legal developments of this century. A periodic analysis of the impact of the work of the National Conference of Commissioners on Uniform State Laws on any individual jurisdiction is wise. This survey of the adoption in Ohio of laws, acts and rules promulgated by the National Conference is, however, especially timely. Effective January 1, 1954, the state of Ohio has in full force and effect a Revised Code completely rearranging and renumbering the old General Code. The following material

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therefore not only permits study of the adoption of the Uniform Laws, Model Acts, and Uniform Rules by Ohio but it also provides the first opportunity

to mesh these uniform statutes with the new Ohio Revised Code.

Some states, recognizing the need for uniformity, have been sedulous in taking advantage of the work of the Conference. Other states have lagged behind. The following table ranks the jurisdictions according to the number of Uniform and Model Acts they have adopted.

THE NUMBER OF UNIFORM AND MODEL ACTS ADOPTED BY DIFFERENT JURISDICTIONS

1. Wisconsin -----	54	6. Tennessee -----	38
2. South Dakota -----	52	7. Idaho -----	37
3. Pennsylvania -----	45	8. Louisiana -----	37
4. Maryland -----	44	9. Michigan -----	37
5. Utah -----	41	10. Nevada -----	36

* For similar studies in other states see: Barrett and Burke, *Uniform Laws in Arkansas*, 1 ARK. L. REV. 224 (1947); Henley, *Uniform Laws in California*, 39 CAL. L. REV. 68 (1951); Toelle, *Montana and the Uniform Laws*, 15 MONT. L. REV. 15 (1954); Comment, *A Comparative Survey of Alabama Legislation in the Field of Uniform Law*, 5 ALA. L. REV. 251 (1953); Comment, *Status of Uniform Laws in Missouri*, 15 MO. L. REV. 274 (1950); Comment, *Tennessee and the Uniform Acts*, 22 TENN. L. REV. 407 (1951); Comment, *Uniform Laws in North Dakota*, 27 N. DAK. L. REV. 313 (1951); *Report of Committee on Uniform State Laws*, 21 PA. BAR ASSOCIATION QUARTERLY 366 (1950).

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11. Hawaii	34	33. New Mexico	25
12. Illinois	34	34. Alabama	24
13. New York	34	35. Alaska	24
14. North Dakota	34	36. Iowa	24
15. Washington	34	37. Ohio	24
16. California	33	38. Virginia	24
17. Oregon	33	39. Colorado	23
18. Vermont	31	40. Kansas	23
19. Indiana	30	41. Maine	23
20. Rhode Island	30	42. South Carolina	20
21. Arizona	29	43. West Virginia	20
22. Minnesota	29	44. Connecticut	19
23. Nebraska	29	45. Florida	19
24. New Jersey	29	46. Kentucky	17
25. Wyoming	29	47. Oklahoma	16
26. Arkansas	27	48. Texas	16
27. North Carolina	27	49. Georgia	14
28. Delaware	26	50. Mississippi	14
29. Massachusetts	26	51. District of Columbia	13
30. Missouri	26	52. Puerto Rico	9
31. Montana	26	53. Philippine Islands	2
32. New Hampshire	26		

¹Unless otherwise indicated, the edition of U.L.A. (Uniform Laws Annotated) is 1951. In every case but one (see footnote 9) citation is to the most recent edition of the particular volume of U.L.A. "P.P." means the 1953 Pocket Parts to U.L.A.

²Withdrawn in 1943 by the National Conference of Commissioners on Uniform State Laws. See Résumé following this chart.

³1938 edition.

⁴This Act is a revision of the Act to Secure the Attendance of Witnesses from Without the State in Criminal Cases (1931), which was not adopted by Ohio.

⁵Placed on the Inactive List by the Conference in view of the adoption of the Uniform Commercial Code.

⁶1922 edition.

⁷This is a Model Act rather than a Uniform Act.

⁸Withdrawn by the Conference in 1943. There is some question as to whether Ohio actually adopted the Uniform Act. See Résumé and Comments following this chart.

⁹1942 edition.

¹⁰1943 edition.

¹¹Adopted in 1902.

¹²1949 edition.

¹³Adopted in 1908.

¹⁴Section 38 of the Sales Act was amended. An alternative form was promulgated for Section 32. In 1925 Ohio adopted the Amendment to § 38 (now REV. CODE § 1315.39) and the alternative form of § 32 (now 1315.33). The latter is not, strictly speaking, an amendment.

¹⁵Adopted in 1929, repealed in 1947 when Ohio adopted the revision.

¹⁶Sections 20, 40 and 47 were amended. See also footnote 6.

UNIFORM ACTS ADOPTED BY OHIO

<i>Uniform or Model Act</i>	<i>Year of Promulgation</i>	<i>Citation To U.L.A.¹</i>	<i>No. of Jurisdictions Adopting</i>	<i>Effective Date In Ohio</i>	<i>Citation To Ohio Revised Code</i>
Act Regulating Traffic on Highways ²	1926	11 U.L.A. 5 ³	26	1941	4511.01-4513.99
Act to Secure the Attendance of Witnesses From Without the State in Criminal Proceedings ⁴					
Bills of Lading Act ⁵	1936	9 U.L.A. 37	36	1937	2939.25-29
Business Records as Evidence Act	1909	4 U.L.A. 1 ⁶	33	1912	4965.01-49
Common Trust Fund Act	1936	9 U.L.A. 385	22	1939	2317.40-41
Composite Reports as Evidence Act ⁷	1938	9 U.L.A. 148	27	1943	1117.01-07
Criminal Extradition Act as Revised	1936	9 U.L.A. 395	3	1939	2317.36-38
Declaratory Judgments Act	1936	9 U.L.A. 169	29	1937	2963.01-29
Fiduciaries Act	1922	9 U.L.A. 232	39	1933	2721.01-15
Foreign Depositions Act	1922	9A U.L.A. 10	24	1943	1339.03-13
Judicial Notice of Foreign Law Act	1920	9A U.L.A. 39	14	1949	2319.09
Machine Gun Act ⁸	1936	9 U.L.A. 399	28	1939	2317.44-46
Narcotic Drug Act	1932	9 U.L.A. 433 ⁹	9	1933	2923.03-06
Negotiable Instruments Act ⁵	1932	9A U.L.A. 182	44	1935	3719.01-22
Official Reports as Evidence Act	1896	5 U.L.A. 1 ¹⁰	53	1903 ¹¹	1301.01-1307.09
Partnership Act	1936	9 U.L.A. 410	6	1939	2317.42-43
Proof of Statutes Act	1914	7 U.L.A. 1 ¹²	33	1949	1775.01-42
Reciprocal Enforcement of Support Act	1920	9A U.L.A. 245	30	1953	2317.08
Sales Act ⁵	1950	9A U.L.A. P.P. 49	43	1951	3115.01-15
Sales Act Amendments ⁵	1906	1 U.L.A. 1	37	1909 ¹³	1315.01-76
Stock Transfer Act ⁵	1922	1 U.L.A. 1 ¹⁴	11	1925	1315.33, .39
Veterans' Guardianship Act ¹⁵	1909	6 U.L.A. 1 ⁶	52	1911	1705.01-21
Veterans' Guardianship Act as Revised	1928	9A U.L.A. 361	38	1929	
Warehouse Receipts Act ⁵	1942	9A U.L.A. 361	27	1947	5905.01-19
Warehouse Receipts Act Amendments ⁵	1906	3 U.L.A. 1 ⁶	53	1909	1323.01-99
	1922	3 U.L.A. 1 ¹⁶	17	1925	1323.21, .40, .47

RÉSUMÉ OF UNIFORM AND MODEL ACTS ADOPTED BY OHIO

The subject matter of each Uniform Act is described in a brief and general summary. Unless otherwise indicated in a *Comment* following the summary, the Uniform Act has been adopted by Ohio without substantial variation.¹⁷

Act Regulating Traffic on Highways. One of four acts comprising the Uniform Motor Vehicle Code. Deals with traffic regulations and specifications for vehicles and their equipment. *Comment:* In 1946 the Conference endorsed the Uniform Vehicle Code of the National Conference on Street and Highway Safety, having withdrawn its own code in 1943. The former has undergone several revisions, the most recent of which was in 1952. The code currently bears the imprimatur of the National Committee on Uniform Traffic Laws and Ordinances. Ohio Revised Code Chapter 4511 covers Sections 1-57 of the Uniform Act, and Chapter 4513 covers Sections 58-94. With the exception of certain provisions which Ohio omits and a few topics upon which Ohio elaborates, this state follows the Uniform Act. Moreover, Ohio has been obviously influenced by the successive revisions of the Act since the Ohio statute contains provisions which were absent from the Act as promulgated in 1926 but which are present in one of its revised forms. An example is the requirement of safety-glass in highway vehicles.

Act to Secure the Attendance of Witnesses from Without the State in Criminal Proceedings. The 1931 Act (limited to criminal "cases") provided that witnesses in a criminal proceeding may be summoned from without the state and exempted such witnesses from criminal prosecution or civil suit. The 1936 Revision extended the application of the act to proceedings before a grand jury and provided for the arrest, custody and delivery of the witness to the requesting state. *Comment:* Ohio adopted the Act in its revised form.

Bills of Lading Act. Provides for negotiable bills of lading, rights and obligations of carriers, negotiation of bills and criminal offenses relating to such bills.

Business Records as Evidence Act. Makes a business record competent evidence, if made in the regular course of business at or near the time of the

¹⁷ Three sections typically found in Uniform Acts are generally omitted in Ohio. This has not been considered to be a material or substantive variation and has therefore not been noted in the present study. These deal with (1) severability, (2) short title, and (3) repeal of inconsistent legislation. The first two usually appeared in the Ohio General Code but were omitted in the revision. The first is covered by OHIO REV. CODE § 1.13. The third is covered by a general principle of construction. In addition, Ohio sometimes omits the section on uniformity of construction. Unless the court will imply, from the legislative history of an act, that uniformity with other adopting states was intended, this may be a significant omission. But since the statutory (verbal) similarity will itself promote uniformity of construction, this omission — regrettable as it may be — has not been noted here.

event recorded, if authenticated by its custodian and if—in the opinion of of the court—the sources, method and time of preparation justify its admission.

Common Trust Fund Act. Permits a bank or trust company to set up a common trust fund for its investments, in order to diversify the investments and spread the risk of loss. *Comment:* The Uniform Act is a simple enabling statute and does not set out in detail the restrictions on the operation of such trust funds. The Ohio Act elaborates upon the subject and spells out such matters as the plan for the establishment of a Common Trust Fund (Revised Code Section 1117.03), the valuation of assets in a Common Trust Fund and their distribution upon withdrawal (Revised Code Section 1117.04) and the control and expense of managing a Common Trust Fund (Revised Code Section 1117.05).

Composite Reports as Evidence Act (A Model Act). Makes admissible as evidence an expert's written report containing conclusions based on written information furnished the expert by others, without calling those who furnished the information on which it was based, provided the expert is not a party litigant. Notice of the intent to use such a report must be given to the opposing party, but it may be admitted without such notice if the court finds that no substantial injustice would result. *Comment:* The Ohio statute makes mandatory the exclusion of the report if the adverse party has not been given reasonable notice; the Model Act gives discretion to the court in such a situation.

Criminal Extradition Act (as revised). Provides for the arrest and detention of persons charged with crime before extradition is demanded, sets up machinery for extradition, prescribes the method of applying for habeas corpus and the mode of preliminary trial and of requisition. The 1936 revision permits the extradition of a criminal who has departed a state while under compulsory process.

Declaratory Judgments Act. Gives courts the power to declare the rights and duties of parties to contracts, deeds, wills, etc., in advance of actual litigation or dispute where a true controversy exists. *Comment:* Section 4(b) of the Uniform Act provides that declarations of rights or legal relations may be requested by executors, administrators, and trustees. The Ohio statute (Revised Code Section 2721.05 B) inserts the phrase "or other fiduciaries" thus broadening the scope of the section. In adopting Section 13 of the Uniform Act (Revised Code Section 2721.01), the Ohio Legislature omitted from the definition of "person" the final phrase, "of any character whatsoever," thus potentially narrowing the application of the definition.

Fiduciaries Act. Concerns situations in which one deals with a person

whom he knows to be a fiduciary. Concerns the duties of such a person with respect to notice of a breach of a fiduciary's obligations. *Comment:* Chapter 1339 of the Revised Code is entitled "Fiduciary Law," but only Sections 1339.03-.13 comprise the Uniform Act. Ohio omits Section 3 of the Uniform Act (Registration of Transfer of Securities Held by Fiduciaries) and Section 11 (Act Not Retroactive). There are also three noteworthy variations in the Ohio version of Section 1 (Revised Code Section 1339.03). 1—Ohio omits from the definition of a bank "whether incorporated or not." 2—Ohio adds to this definition "and any financial institution as defined in Section 5725.01 of the Revised Code." 3—Ohio omits from the definition of "good faith," the phrase "Whether it be done negligently or not." In connection with the last variation it should be noted that Chapter 1339 has two overlapping sections of definitions (Sections 1339.01 and 1339.03). The latter purports to belong to the Uniform Act; the former does not. It is in the former that "good faith" is defined exactly as in the Uniform Act. The result is probably that the apparent variation is eliminated.

Foreign Depositions Act. Declares that a person living in this state shall be compelled to testify in connection with foreign suits in the same manner and subject to the same process and proceedings as if the proceedings were in a local court.

Judicial Notice of Foreign Law Act. Declares that the courts shall take judicial notice of the laws of the other states of the Union and may inform themselves as to such laws in such manner as they may deem proper; but any party may present evidence as to the law of another state on notice of his intent to do so. The law of a foreign country shall be an issue of law for the court and judicial notice shall not be taken of it. *Comment:* Whereas the Uniform Act provides that "every court of this state shall take judicial notice of the *common law and statutes* of every state, territory and other jurisdiction of the United States," Ohio omits "*common law and*" (emphasis supplied). This is a material variation, for it leaves Ohio in the same position as before the Uniform Act was adopted insofar as the common law of other states is concerned. It must still be proved as any other fact, but under the Ohio Common Law this fact is determined by the judge, not the jury.

Machine Gun Act. Provides for the registration of machine guns and for the punishment of crimes of violence perpetrated with that weapon. *Comment:* It would seem, statements in the various handbooks and volumes of U.L.A. to the contrary notwithstanding, that Ohio never purported to adopt the Uniform Act, though this state did enact a statute concerning the sale and possession of machine guns shortly after the promulgation of the Uniform Act. Indeed the latter may well have inspired the Ohio legisla-

tion. But the Ohio Act is shorter, less detailed and considerably different from the Uniform Act.

Narcotic Drug Act. Requires licensing of a manufacturer or wholesaler of specified drugs. Requires that records be kept by druggists and prescribing physicians of the use of these drugs and makes it unlawful to manufacture or possess these specified drugs except as authorized by the Act. *Comment:* Ohio adopted the Uniform Act in its original form with several variations in detail relative to the granting and revocation of licenses, the form and content of prescriptions, exempted preparations and enforcement of the Act. Ohio has not adopted the 1942 or 1952 Amendments, but in 1949 this state amended its statute to include several other narcotic drugs not mentioned in the Uniform Act. Chapter 3719 of the Revised Code also includes several sections on barbiturates and poisons which are not part of the Uniform Act.

Negotiable Instruments Act. Contains comprehensive provisions as to negotiable instruments, their form, negotiability, and the rights of the parties under varying conditions. *Comment:* There are only a few statutory variations between the Ohio law and the uniform Act, and none of them is material.¹⁸

Official Reports as Evidence Act. Declares that written reports or findings of fact by officers of this state on a matter within the scope of their duties shall be admissible as evidence. It also provides that a copy of the report or findings of fact must be furnished to the adverse party before trial (except that the report may be admitted without a copy being furnished if, in the opinion of the court, there is no surprise to the opponent); and that the other party may cross-examine the maker of the report or any person furnishing information used therein.

Partnership Act. Governs creation of partnerships, rights and liabilities of partners and dissolution of partnerships.

Proof of Statutes Act. "Printed books or pamphlets purporting on their face to be the session or other statutes of any of the United States, or the territories thereof, or of any foreign jurisdiction, and to have been printed and published by the authority of any such state, territory or foreign jurisdiction or proved to be commonly recognized in its courts shall be received in the court of this state as prima facie evidence of such statutes. . . ." *Comment:* The 50th General Assembly of the State of Ohio, meeting in 1852-53 passed "An Act to Establish a Code of Civil Procedure." Section 362 of that Act appears in the Revised Code as Sections 2317.08 and 2317.09. Section 2317.08 (part of Section 362 of the 1853 Act) is essentially similar to the Uniform Proof of Statutes Act.

Reciprocal Enforcement of Support Act. Provides for one state's en-

¹⁸ *Carius v. Ohio Contract Purchase Co.*, 30 Ohio App. 57, 164 N.E. 234 (1928).

enforcement of the support decrees of another state having a reciprocal agreement with it. The Act allows the use of civil and criminal proceedings, simplifies procedures and facilitates the enforcement of such decrees.

Sales Act (with Amendments of 1922). Sets out in detail the rules governing contracts of sale with regard to transfer of property and title and fixes the rights of buyer and seller. Makes negotiable documents of title fully as negotiable as bills of exchange. *Comment:* Section 4 of the Uniform Act makes \$500 the critical value for the application of the Statute of Frauds. Several jurisdictions have changed this limit to as low as \$100 or \$50. Ohio sets it at \$2,500.

Stock Transfer Act. Formulates a comprehensive body of rules for the transfer and negotiability of stock certificates.

Veterans' Guardianship Act (with Amendments of 1942). Provides for the appointment of guardians of minors or other incompetent persons receiving benefits administered by the Veterans' Administration. Treats the problem of commitment of mentally incompetent veterans to hospitals operated by the Veterans' Administration. Sets limits on fees and commissions on administration of a veteran's estate. *Comment:* Ohio Revised Code Section 5905.03 requires 5 days notice of a hearing to appoint or remove a guardian or to remove the disability or incapacity of a ward; the Uniform Act (Section 2) requires 15 days notice. There are numerous small variations worthy of note.¹⁹

Warehouse Receipts Act (with Amendments of 1922). Provides for negotiability of warehouse receipts. Contains extensive provisions concerning the form of a receipt, rights of warehouseman and rights of parties.

¹⁹ In 1939 Ohio repealed OHIO GEN. CODE § 11037-15 (which corresponded with what was then § 15 of the Uniform Act) and replaced it with an amended and elaborated section. In 1947, when adopting the revision of the Uniform Act (promulgated in 1942) Ohio repealed the Act as it had been adopted in 1929 *except* for that section. Nor did it, therefore, adopt § 18 (the revision of § 15) of the revised Uniform Act. This probably accounts for the statement at 9A U.L.A. 389 that Ohio omits this section. However, the editorial note to REV. CODE § 5905.02 (Baldwin's Ohio Revised Code Annotated) concludes that the Legislature intended the 1939 version of this section to be part of the Chapter which otherwise contains only sections of the revised Uniform Act. The similarity between REV. CODE § 5905.02 as adopted in 1939 (in substantially its present form) and § 18 of the Uniform Act is so great (despite the variations alluded to above) that one suspects that the Ohio Legislature patterned its 1939 revision after the preliminary drafts of the revised Uniform Act.

For variations compare REV. CODE §§ 5905.10, .11, .16, and .18 with the corresponding sections of the Uniform Act (§§ 9, 10, 14, and 16). Variations abound especially in REV. CODE § 5905.02 (§ 18).

²⁰ The edition is 1951 unless otherwise indicated. In every case but one (see footnote 27) the citation is to the most recent edition of the particular volume of U.L.A. "P.P." means the 1953 Pocket Parts to U.L.A.

²¹ Handbook of the National Conference of Commissioners on Uniform State Laws, (an annual volume, which includes the Proceedings of the Annual Conference). A

UNIFORM ACTS, MODEL ACTS AND UNIFORM RULES NOT ADOPTED BY OHIO

<i>Uniform Acts</i>	<i>Year of Promulgation</i>	<i>Citation To U.L.A.²⁰ or to the Handbook²¹</i>	<i>No. of Jurisdictions Adopting²²</i>	<i>Ohio Legislation for Comparison. Citations are to Chapters or Sections of the Ohio Revised Code.²³</i>
Absence as Evidence of Death and Absentees' Property Act	1939	9 U.L.A. 1	3	Chapter 2121
Acknowledgment Act	1939	9 U.L.A. 13	7	147.07, 31, 32; 315.23; 1701.06;
Acknowledgment Act (Amendment)	1942	9 U.L.A. 13	22	1729.07; 1781.03; 1783.01; 1903.10;
Acknowledgment Act as Amended	1949	9 U.L.A. 13	1	1909.02; 2307.07; 5301.01, .05
Act Governing Secured Creditors' Dividends in Liquidation Proceedings	1939	9 U.L.A. 27	5	No legislation found
Act on Blood Tests to Determine Paternity	1952	9 U.L.A. P.P. 12	3	2151.23; 2317.47; 3111.16, 17
Act to Secure the Attendance of Witnesses from Without the State in Criminal Cases	1931	9 U.L.A. 37	16	Ohio has adopted the 1936 Revision of this Act. See Chart of "Uniform Acts Adopted by Ohio."
Adoption Act	1953	Handbook 1953, p. 216	—	1715.28; 2151.39; Chapter 3107; 5103.06
Ancillary Administration of Estates Act	1949	9 U.L.A. P.P. 19	1	Chapter 2129
Ancillary Administration of Estates Act (Amendment)	1953	Handbook 1953, p. 241	—	
Commercial Code ²⁴	1951	1952 Supplement to U.L.A. (Pamphlet)	1	Ohio adopted the original act. 1117.01-.07
Common Trust Fund Act (Amendment)	1952	9 U.L.A. P.P. 31	5	

<i>Uniform Acts</i>	<i>Year of Promul- gation</i>	<i>Citation To U.L.A.²⁰ or to the Handbook²¹</i>	<i>No. of Jurisdic- tions Adopting²²</i>	<i>Ohio Legislation for Comparison. Citations are to Chapters or Sections of the Ohio Revised Code.²³</i>
Contribution Among Tortfeasors Act	1939	9 U.L.A. 153	10	1779.11
Criminal Extradition Act	1926	9 U.L.A. 169	16	Ohio has adopted the 1936 Revision of this Act. See Chart of "Uniform Acts Adopted by Ohio." No legislation found
Criminal Extradition Act (Amendment)	1932	9 U.L.A. 169	10	
Criminal Statistics Act	1946	Handbook 1946, p. 221	—	
Desertion and Non-Support Act	1910	10 U.L.A. 1 ²⁵	21	3103.03; Chapter 3113
Divorce Recognition Act	1947	9 U.L.A. 364	9	No legislation found
Enforcement of Foreign Judgments Act	1948	9 U.L.A. 376	7	2325.14
Federal Tax Lien Registration Act	1926	9A U.L.A. 1	25	317.09, .13
Flag Act	1917	9A U.L.A. 32	17	2921.05, .06
Fraudulent Conveyance Act	1918	9A U.L.A. 42	20	1335.02; 2109.56; 2911.12; 5301.25
Insurers Liquidation Act	1939	9A U.L.A. 148	12	Chapter 3903
Interstate Arbitration of Death Taxes Act	1943	9A U.L.A. 163	11	No legislation found
Interstate Compromise of Death Taxes Act	1943	9A U.L.A. 172	13	No legislation found
Limited Partnership Act	1916	8 U.L.A. 1 ²⁵	37	Chapters 1781 and 1783
Marriage License Application Act	1950	Handbook 1950, p. 243	—	Chapter 3101
Narcotic Drug Act (As Amended)	1942	9A U.L.A. 182	9	Ohio adopted the original act.
Narcotic Drug Act (Amendments to the Act as Amended)	1952	9A U.L.A. P.P. 27	7	See Chart of "Uniform Acts Adopted by Ohio."

<i>Uniform Acts</i>	<i>Year of Promul- gation</i>	<i>Citation To U.L.A.²⁰ or to the Handbook²¹</i>	<i>No. of Jurisdic- tions Adopting²²</i>	<i>Ohio Legislation for Comparison. Citations are to Chapters or Sections of the Ohio Revised Code.²³</i>
Photographic Copies of Business and Public Records as Evidence Act	1949	9 U.L.A. 413	29	2317.41
Powers of Foreign Representatives Act	1944	Handbook 1944, p. 320	—	2113.70-.75; 2129.02
Prenatal Blood Test Act	1950	Handbook 1950, p. 247	—	3701.46-58, 99
Principal and Income Act	1931	9A U.L.A. 225	17	No legislation found
Probate of Foreign Wills Act	1950	9A U.L.A.		
Property Act	1938	P.P. 40	1	2107.48; 2129.05-.30
		9A U.L.A. 249	1	2107.49; 2127.01 <i>et seq.</i> ; 2131.04 <i>et seq.</i> ; 3103.07
Reciprocal Enforcement of Support Act (As Amended)	1952	9A U.L.A. P.P. 82	19	Ohio adopted the original act. 3115.01-.15
Reciprocal Transfer Tax Act	1928	9A U.L.A. 258	19	5731.10-.11
Reverter of Realty Act	1944	Handbook 1944, p. 209	—	No legislation found
Simultaneous Death Act	1940	9A U.L.A. 263	42	} 2105.21
Simultaneous Death Act (Amendments)	1953	Handbook 1953, p. 248	—	
Single Publication Act	1952	9A U.L.A.		
Statute of Limitations Act	1939	P.P. 107 Handbook 1939, p. 288	4 —	No legislation found Chapter 2305

<i>Uniform Acts</i>	<i>Year of Promulgation</i>	<i>Citation To U.L.A.²⁰ or to the Handbook²¹</i>	<i>No. of Jurisdictions Adopting²²</i>	<i>Ohio Legislation for Comparison. Citations are to Chapters or Sections of the Ohio Revised Code.²³</i>
Transfer of Dependents Act	1935	9A U.L.A. 270	9	No legislation found
Trust Receipts Act ²⁰	1933	9A U.L.A. 274	30	1319.11
Trustees' Accounting Act	1936	9A U.L.A. 318	2	{ 1107.16; Chapter 2109
Trustees' Accounting Act (As Amended)	1937	9A U.L.A. 318	3	
Trusts Act	1937	9A U.L.A. 333	7	Chapters 1107 and 2109; 2307.08
Unauthorized Insurers Act	1938	9A U.L.A. 347	7	3905.31-.42
Vendor and Purchaser Risk Act	1935	9A U.L.A. 357	6	No legislation found
Vital Statistics Act	1942	9A U.L.A. 392	12	Chapter 3705
<i>Uniform Rules</i>				
Rules of Criminal Procedure	1952	Handbook 1952, p. 306	—	Chapters 2931 to 2965
Rules of Evidence	1953	Handbook 1953, p. 161	—	Chapter 2317
<i>Model Acts</i>				
Act on Perjury	1952	Handbook 1952, p. 399	3	2517.25; 2941.18; 2945.62
Act to Provide for the Appointment of Commissioners	1944	9 U.L.A. 34	11	No legislation found
Anti-Gambling Act	1952	Handbook 1952, p. 207	—	715.51; Chapters 2915 and 3763
Business Corporation Act	1928	9 U.L.A. 49	5	Chapters 1701-1702
Court Administrator Act	1948	9 U.L.A. P.P. 36	1	No legislation found

<i>Model Acts</i>	<i>Year of Promul- gation</i>	<i>Citation To U.L.A.²⁰ or to the Handbook²¹</i>	<i>No. of Jurisdic- tions Adopting²²</i>	<i>Ohio Legislation for Comparison. Citations are to Chapters or Sections of the Ohio Revised Code.²³</i>
Crime Investigating Commission Act	1952	Handbook 1952, p. 238	—	No legislation found
Cy-Pres Act	1944	9 U.L.A. 24	2	No legislation found
Department of Justice Act	1952	Handbook 1952, p. 366	—	No legislation found
Estates Act	1938	Handbook 1938, p. 269	—	No legislation found
Execution of Wills Act	1940	9 U.L.A. 419	1	Chapter 2107
Expert Testimony Act	1937	9 U.L.A. 427	2	2317.36
Extradition of Persons of Unsound Mind Act	1916	9 U.L.A. 285 ²⁷	11	No legislation found
Illegitimacy Act	1922	9 U.L.A. 389 ²⁷	7	Chapter 3111
Interparty Agreement Act	1925	9A U.L.A. 160	4	No legislation found
Joint Obligations Act	1925	9A U.L.A. 176	5	1779.09-.11
Police Council Act	1952	Handbook 1952, p. 274	—	No legislation found
Power of Sale Mortgage Foreclosure Act	1940	Handbook 1940, p. 254	—	2323.07-.08
Resale Price Control Act	1940	Handbook 1940, p. 247	—	1331.01, Note 4; Chapter 1333
Rule Against Perpetuities Act	1944	9A U.L.A. 261	2	2131.08-.09
Small Estates Act	1951	Handbook 1951, p. 255	—	2113.03

<i>Uniform Acts</i>	<i>Year of Promul- gation</i>	<i>Citation To U.L.A.²⁰ or to the Handbook²¹</i>	<i>No. of Jurisdic- tions Adopting²²</i>	<i>Ohio Legislation for Comparison. Citations are to Chapters or Sections of the Ohio Revised Code.²³</i>
State Administrative Procedure Act	1944	9A U.L.A. P.P. 109	3	Chapter 119
State Witness Immunity Act	1952	Handbook 1952, p. 251	1	2945.44
War Service Validation Act ²⁸	1944	9A U.L.A. 414	1	No legislation found
Written Obligations Act	1925	9A U.L.A. 418	2	No legislation found

RÉSUMÉ OF UNIFORM AND MODEL ACTS AND UNIFORM RULES
NOT ADOPTED BY OHIO

Uniform Acts

Absence as Evidence of Death and Absentees' Property Act. Eliminates common law presumption of death after an unexplained absence of seven years and provides for (1) the appointment of a receiver for the estate of the missing person, (2) a hearing and determination of his death based upon circumstantial evidence and (3) the irrevocable distribution of his property through the probate court.

Acknowledgment Act (as amended in 1942 and 1949). Provides the form in which acknowledgments may be taken and increases the number of persons authorized to take them. It is, however, optional and does not do away with existing methods.

Act Governing Secured Creditors' Dividends In Liquidation Proceedings. Adopts the federal bankruptcy rule providing that the value of the security of a secured creditor must be deducted from the amount of his claim.

Act on Blood Tests to Determine Paternity. Provides for blood tests in civil actions in which paternity is an issue and for the resolution of the issue against any party who refuses to submit to the test.

Act to Secure the Attendance of Witnesses from Without the State in Criminal Cases. See summary of this Act in "Résumé of Uniform Acts

Uniform or Model Act is first printed in the Handbook. Upon its adoption by some states, it is published in U.L.A.

²² In some cases, particularly recently promulgated acts, there have as yet been no adoptions. This fact is indicated by a dash (-).

²³ Legislation cited is not necessarily parallel or similar to the Uniform Act, but it represents Ohio statutes in the same general area or on the same general subject. Where research disclosed no legislation on the subject in Ohio, that fact is noted.

²⁴ The Commercial Code is a comprehensive Act which supersedes the Bills of Lading Act, Negotiable Instrument Act, Sales Act, Stock Transfer Act, Warehouse Receipts Act and Trust Receipts Act. These Acts have been withdrawn from the active list, but because they are still in force in every adopting jurisdiction but one (Pennsylvania has adopted the Commercial Code) they are shown on these charts. For Ohio's statutes see the appropriate Act on the chart of "Uniform Acts Adopted by Ohio," except for the Trust Receipts Act which is on this chart.

²⁵ 1922 edition.

²⁶ Placed on the inactive list in view of the adoption of the Uniform Commercial Code.

²⁷ 1942 edition. In 1943 the Uniform Extradition of Persons of Unsound Mind Act and the Uniform Illegitimacy Act were placed on the inactive list pending further study. (1943 Handbook, p. 74). In 1951 both Acts were changed to Model Acts and restored to the active list. (1951 Handbook, p. 152).

²⁸ This Act was adopted during World War II to meet an emergency arising out of the war. It contained a self-limiting provision to the effect that it would be in force "during the period of the (then) existing war."

Adopted by Ohio." *Comment:* While Ohio did not adopt this Act, it did adopt the 1936 Revision which broadened and extended the Act to all criminal proceedings. Ohio's statute, therefore, is substantially identical with the Uniform Act in its latest form.

Adoption Act. Provides an adoption procedure based on consent of parent(s) or guardian of any child within the state and sets standards for prospective adopting parent(s).

Ancillary Administration of Estates Act (as amended in 1953). Codifies the law of ancillary administration, and in so doing treats the entire estate as a unit as far as it is possible to do so and regards the domiciliary administration as the primary one.

Commercial Code. Attempts to codify and bring up to date practically the entire field of commercial law and supersedes the Negotiable Instruments Act, Sales Act, Bills of Lading Act, Stock Transfer Act, Trust Receipts Act (all placed on the Inactive List in 1951 in view of the adoption of the Code) and the Conditional Sales and Chattel Mortgages Acts (withdrawn in 1943 pending preparation of the Code).

Common Trust Fund Act (Amendment of 1952). Provides a hearing and notice procedure therefor when an accounting of a common trust fund is presented to a court for approval.

Contribution Among Tortfeasors Act. Provides for contribution among joint tortfeasors and contains detailed procedural provisions.

Criminal Extradition Act. See summary of this Act in "Résumé of Uniform Acts Adopted by Ohio." *Comment:* While Ohio did not adopt the 1926 Act or the 1932 Amendments, it did adopt the 1936 Revision. Ohio's statute, therefore, is substantially identical with the uniform Act in its latest form.

Criminal Statistics Act. Creates a state bureau of criminal statistics to serve as the central source of statistical information concerning crime, criminals and criminal justice.

Desertion and Non-Support Act. Makes it a crime for a person to abandon or fail to provide for the support of his wife or child and empowers the court to enforce periodic payments of money to the dependents by a deserter who pleads or is found guilty.

Divorce Recognition Act. Attempts, insofar as possible, to preserve to each state the marital status of its own domiciliaries by providing that if both parties are domiciled in such state and divorce proceedings were instituted in another state, the divorce obtained thereby is ineffective in the former state. The Act also defines what shall constitute prima facie evidence of domicile.

Enforcement of Foreign Judgment Act. Provides a procedure for the

enforcement of foreign judgments by registration in any court of competent jurisdiction; execution may issue immediately after registration.

Federal Tax Lien Registration Act. Requires — for the purpose of giving notice — that liens for taxes payable to the United States Government and certificates discharging such liens shall be filed in the county or counties where the property subject thereto is located.

Flag Act. Makes it a misdemeanor to use the United States flag for any advertising or commercial purpose, or otherwise to desecrate the flag.

Fraudulent Conveyance Act. Provides that conveyances by a debtor with actual intent to defraud, as well as conveyances made without fair consideration which render the debtor insolvent, are fraudulent and may be set aside by creditors. In the latter situation the Act renders the debtor's intent immaterial, and, therefore, it need not be presumed.

Insurers Liquidation Act. Provides for the liquidation, rehabilitation and reorganization procedures peculiar to insurance companies with business and assets in two or more states.

Interstate Arbitration of Death Taxes Act. Provides a system of voluntary arbitration among states to determine the domicile of the decedent for the purpose of death taxes.

Interstate Compromise of Death Taxes Act. Provides a procedure for compromise in satisfaction of death taxes when two or more states assert a claim that a decedent was domiciled therein at the time of death.

Limited Partnership Act. Provides a procedure for the creation and dissolution of a limited partnership and defines the rights and liabilities of limited and general partners.

Marriage License Application Act. Requires a blood-test before the issuance of marriage licenses, but authorizes waiver by a judge for reasons of public policy.

Narcotic Drug Act (Amendments of 1942 and 1952). 1942 Amendment: Restricts the use of certain drugs on ships or aircraft, reduces the number of exempt drugs and includes marijuana, which was omitted from the original Act. 1952 Amendment: Allows for greater flexibility by broadening the prohibition to include all drugs which the Health Commissioner finds — through a prescribed procedure including notice and hearing — likely to produce or sustain addiction.

Photographic Copies of Business and Public Records as Evidence Act. Modifies the common law "best evidence" rule and provides for the use of photographic copies, microfilm or other process which accurately produce or form a durable medium for the reproduction of the original business or public record when such records are preserved in this manner in the regular course of business.

Powers of Foreign Representatives Act. Provides that domiciliary

representative with the proper credentials and sufficient bond may exercise all the powers within the ancillary jurisdiction which could be exercised by a local representative.

Prenatal Blood Test Act. Provides for a compulsory blood test of pregnant women to ascertain whether special treatment of any kind is indicated.

Principal and Income Act. Provides for the apportionment of income and expense between life tenants and remaindermen in cases involving either trusts or legal estates.

Probate of Foreign Wills Act. Provides a simplified procedure for admitting to probate a non-resident's will previously probated at his domicile. The Act eliminates any distinction between realty and personalty and follows the domiciliary law.

Property Act. Codifies and modernizes common law principles regarding the ownership and transfer of both real and personal property and attempts to abolish certain outmoded characteristics which are legacies of English feudal law.

Reciprocal Enforcement of Support Act (as Amended in 1952). See summary of this Act in the "Résumé of Uniform Acts Adopted by Ohio." *Comment:* The 1952 Revision would not seem to involve any fundamental changes, but it does elaborate and reformulate many of the procedures set out in the original act.

Reciprocal Transfer Tax Act. Provides exemptions from transfer or death taxes on intangible personal property when the decedent possessed of such property resided in a state which allows such exemptions to citizens of this state.

Reverter of Realty Act. Provides a thirty-year limitation on the reverter of realty and a six-year limitation on the right of entry for breach of condition. Eliminates the forfeiture of an interest in property for non-performance of conditions which would not confer substantial benefit upon persons entitled to the performance.

Simultaneous Death Act (with Amendments of 1953). Provides a procedure for the disposition of property when the disposition depends upon the sequence of death and there is insufficient evidence that the persons died otherwise than simultaneously, unless the grantor had provided other adequate disposition.

Single Publication Act. Rejects the old common law rule that each sale or delivery of a single copy of a magazine or newspaper containing libelous matter is a separate defamation giving rise to a distinct cause of action, and adopts the new common law rule that each defamatory edition (or broadcast presentation) is a single integrated publication giving rise to only one complete cause of action.

Statute of Limitations Act. Provides time limits within which the various actions must be commenced.

Transfer of Dependents Act. Provides for the designation of certain state officials who will be authorized to conclude reciprocal agreements with their counterparts in other states regarding the support, return, etc., of dependents who migrate from one state to another.

Trust Receipts Act. Provides detailed procedural rules for financing transactions by the use of trust receipts and outlines the rights of financiers, borrowers, purchasers and general creditors in such transactions.

Trustees' Accounting Act (with Amendments of 1937). Prescribes the procedure to be followed by the trustee of either a testamentary or an inter vivos trust in filing an inventory of the trust property and in making intermediate or final accountings of the trust.

Trusts Act. Modifies certain common law trust rules, particularly toward a stricter definition of loyalty on the part of a trustee to his beneficiary and, at the same time, relaxes other rules in order to make for greater convenience in trust administration.

Unauthorized Insurers Act. Provides for restrictions on the operations of any insurer not authorized to do business in the state. Makes it a misdemeanor to act as agent for such an unauthorized insurer and provides that lawful process may be served on the latter by filing such process with the superintendent of insurance.

Vendor and Purchaser Risk Act. Provides protection to the purchaser of real estate where there is a binding contract of sale and the property is destroyed before the purchaser takes possession or title and provides protection to the vendor after transfer of possession.

Vital Statistics Act. Provides a procedure for the state-wide collection and systematization of vital statistics which will be useful to the Census Bureau and the state authorities.

Uniform Rules

Rules of Criminal Procedure. Attempts to codify and simplify the vast field of criminal procedure.

Rules of Evidence. Attempts to codify and simplify the vast field of evidence.

Model Acts

Act on Perjury. Eliminates certain common law procedural difficulties in establishing the crime of perjury. *E.g.:* the requirement, in the case of contradictory statements, of proving that one of them is false; the requirement that the false statement is material and the requirement that proof of falsity of a statement must be established by two independent witnesses or by one witness and corroborating circumstances.

Act to Provide for the Appointment of Commissioners. Provides for the creation of a State Commission on Uniform State Laws consisting of three members to be appointed by the Governor. The members serve as delegates to the meeting of the National Conference of Commissioners on Uniform State Laws and perform other functions to promote uniformity in state laws.

Anti-Gambling Act. Codifies and simplifies gambling law by treating all types of gambling as variations of the same offense.

Business Corporation Act. Outlines the procedure for the organization and operation of business corporations.

Court Administrator Act. Provides for the establishment of a state office to direct the business affairs of the courts.

Crime Investigation Commission Act. Provides for the creation of a State Commission empowered to oversee and coordinate the functioning of state and local enforcement agencies and charged with the duty of investigating the relationship between organized crime on the one hand, and any governmental, political or economic unit, constituting a part of, or doing business within, the State or its political subdivisions, on the other hand.

Cy-Pres Act. Provides a procedure for executing a charitable trust when it has become illegal or impracticable of fulfillment.

Department of Justice Act. Provides for the creation of a State agency charged with overseeing and coordinating the functioning of local prosecuting officials.

Estates Act. Defines the interest in land and the terminology of estates law.

Execution of Wills Act. Provides procedure for the execution of wills, including noncupative and holographic wills.

Expert Testimony Act. Provides procedure for the procurement and utilization by courts of the testimony of expert witnesses.

Extradition of Persons of Unsound Mind Act. Provides procedure for the apprehension and interstate rendition of a person who has fled from another state, in which, at the time of his flight, he was under detention by law as a person of unsound mind or had been determined by legal proceedings to be of unsound mind and subject to detention.

Illegitimacy Act. Delineates the obligation of support by the parents — and particularly the father — of children born out of wedlock. It provides statutory proceedings for enforcing the father's obligation and defines the criminal offenses arising from failure to support with penalties therefor. Contains provisions on the concurrence of remedies, the limitation of actions, jurisdiction, and certain general provisions on the relation of mother and child.

Interparty Agreement Act. Authorizes conveyances, releases, sales and contracts between a group and one or more (but not all) of its members. Also provides that no contract shall be discharged for the reason that, after its formation, rights under it become vested in the obligor in another capacity.

Joint Obligations Act. Eliminates injustices arising from the technical common law rules relating to joint obligors and joint obligees.

Police Council Act. Provides for state supervision over the operation and functioning of local police departments and for the recruitment and training of policemen.

Power of Sale Mortgage Foreclosure Act. Provides a procedure by which mortgages may be foreclosed through the use of a power of sale as an alternative to court foreclosure.

Resale Price Control Act. Provides for the enforcement of resale price control systems in distributing branded commodities.

Rule Against Perpetuities Act. Adopts the American common law rule against perpetuities.

Small Estates Act. Provides procedures for facilitating the prompt distribution and settlement of small estates of decedents.

State Administrative Procedure Act. Outlines procedural rules for state administrative agencies in both their quasi-legislative and quasi-judicial capacities and provides for judicial review of their determinations.

State Witness Immunity Act. Provides a procedure and sets forth rules for the granting of immunity to witnesses who refuse to testify on the constitutional ground of self-incrimination.

*War Service Validation Act.*²⁹ Provides that conveyances and wills executed by persons in the armed forces shall not be invalidated by reason of their being defective as to formalities.

Written Obligations Act. Provides that a written release or promise will not be unenforceable for lack of consideration if the signer expressly states in the writing that he intends to be legally bound.

²⁹ *Ibid.*